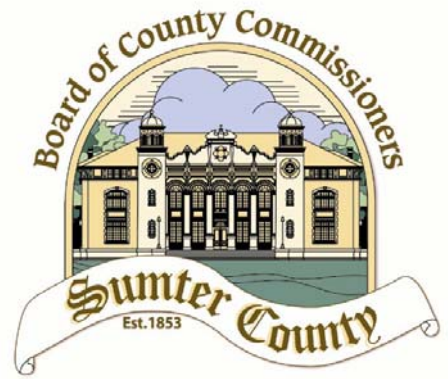


Board of County Commissioners

Division of Planning & Development

Code Compliance Department

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CODE ENFORCEMENT BOARD

February 12, 2007

The regular meeting of the Code Enforcement Board of Sumter County, Florida, was called to order on Monday, February 12, 2007, at 6:00 PM, followed by the Pledge of Allegiance.

The following Board members were present: Chairperson-Horton Barnes, Charles Castle, Tommy Messer, Cheryl Barnes, Drexel Clark, Dixie Ruzzo, and Terry Pasko.

Present from Code Compliance were Paul Jochum-Code Compliance Coordinator, Al Folden-Code Compliance Inspector, Janice Love-Code Compliance Inspector, and Alysia Akins-Code Enforcement Board Secretary.

Lee Hawkins, attorney for Sumter County Code Compliance Inspectors, was present.
Randall Thornton, attorney for the Code Enforcement Board, was absent.

Mrs. Barnes made a motion to approve the minutes from the January 8, 2007 meeting.
Mrs. Ruzzo seconded the motion and the motion carried.

Mr. Folden, Ms. Love, and Mr. Jochum were sworn in.

Old Business:

The following case has not complied:
CE2006-0547/Disilivio

The following case has complied:
CE2006-0391/Tri-County

The following cases have liens filed:
06-0150/Henson
06-0256/Cottrell

CE2006-0148/Gunn-Moore

Mr. Messer made a motion to remove this case from the table. Mr. Clark seconded the motion and the motion carried.

The Respondent's husband Ralph Moore was present and sworn in. Mr. Jochum testified the Notice for Hearing was sent by certified mail. Mr. Jochum testified his initial inspection was on 3/14/06. Mr. Jochum testified 2/12/07, was his last visit to the property, and the property was not in compliance. Mr. Jochum submitted photographs into the record that were taken on 7/17/06 and 2/12/07 reflecting the violations. Mr. Jochum testified homestead exemption is not filed on the property. Mr. Jochum testified he had been in contact with Mr. Moore, who had informed him

Sumter County Housing was unable to assist him financially. Mr. Jochum testified the mobile home in violation is 90% torn down, although the mobile home debris remains.

Mr. Jochum recommended the Respondents bring the property into compliance within 30 days by removing all mobile home debris, and open storage of trash, litter, and debris, and paying all staff costs due in the amount of \$420.48, or a \$50 daily fine be assessed after the ordered date.

Mr. Moore testified the mobile home was completely torn down except for the frame and flooring. Mr. Moore testified he received the mobile home free of charge, and it was too old for the Housing Department to offer assistance.

Mr. Messer made a motion to order the Respondents pay staff costs due in the amount of \$420.48 within 30 days. The Respondents were also ordered to bring the property into compliance by removing all mobile home debris, and open storage of trash, litter, and debris; failure to bring the property into compliance and paying staff costs due within 30 days will result in a fine in the amount of \$50 per day for each and every day of non-compliance. Mr. Castle seconded the motion and the motion carried.

New Business:

The following cases have complied:

CE2006-0765/Phelps

CE2006-0470/Merritt

CE2004-0414/Lynch

CE2006-0417/Mason

CE2005-0690/Peterson

Case: CE2006-0564

Owner Name: The Wood Shed Pub, Inc.

Location Address: 7989 W. C-48/Bushnell

Parcel: H29=018

Code Violation: 13-51(A)(2)(A)

The Respondent, Mark Chamberlain, was present and sworn in. Mr. Folden testified the Notice for Hearing was sent by certified mail. Mr. Folden testified his initial inspection was on 9/7/06. Mr. Folden testified 2/12/07, was his last visit to the property, and the Respondent was not in compliance due to the required building permits not being obtained. Mr. Folden submitted photographs into the record that were taken on 9/7/06 and 2/12/07 reflecting the violations. Mr. Folden testified homestead exemption is not filed on the property. Mr. Folden testified the electric permit was ready to be issued on Friday, 2/9/07, and the building permit was ready to be issued today. Mr. Folden testified a Stop Work Order had not been issued, although the work had stopped.

Mr. Folden recommended the Respondent bring the property into compliance within 10 days by obtaining all required building permits, or a \$50 daily fine would be assessed after the ordered date.

Mr. Chamberlain testified he hired Tommy Locke, contractor, to obtain the required building permits, and had asked Mr. Locke to attend the hearing, in which he was not present.

Mrs. Barnes made a motion to order the Respondent bring the property into compliance within 10 days by obtaining all required building permits, and paying all staff costs due in the amount of \$375.48 within 30 days, along with a \$50 daily fine if found in non-compliance after the ordered date. Mr. Messer seconded the motion and the motion carried.

Case: CE2006-0766

Owner Name: Richard E. Wilbur, Trustee

Location Address: 315 CR 542W, Bushnell

Parcel: N09=014/OR – 1440, PG – 617

Code Violation: 13-E-312 SHC 307.4 and 13-364(B)(2)(D)

The Respondent was not present. Mr. Folden testified the Notice for Hearing was sent by certified mail, but was returned; therefore, an affidavit of regular mail was issued. Mr. Folden testified 2/12/07 was his last visit to the property, and the property was not in compliance. Mr. Folden submitted photographs into the record that were taken on 12/6/06 and 2/12/07 reflecting the violations. Mr. Folden testified his initial inspection was on 12/6/06. Mr. Jochum testified the only contact he had received was from a woman who had come into the office to find out what needed to be done to comply. Mr. Folden also testified homestead exemption is filed on the property. Mr. Folden testified some yard sale items had been removed but many still remained.

Mr. Folden recommended the Respondent be ordered to comply by removing all yard sale items, or a \$50 daily fine would be assessed after the ordered date.

Mr. Castle made a motion to order the Respondent pay staff costs due in the amount of \$285.48 within 30 days. The Respondent was also ordered to bring the property into compliance by removing all yard sale items within 30 days; failure to bring the property into compliance within 30 days, and paying all staff costs, also within 30 days, will result in a fine in the amount of \$25 per day for each and every day of non-compliance. Mrs. Barnes seconded the motion and the motion carried.

Case: CE2006-0142

Owner Name: George Fred Albaugh

Location Address: 622 CR 765, Webster

Parcel: N33=092/OR – 789, PG – 242

Code Violation: 13-51(A)(2)(A)

The Respondent was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 2/12/07 was her last visit to the property, and the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 3/13/06 and 2/12/07 reflecting the violations. Ms. Love testified her initial inspection was on 3/13/06. Ms. Love testified she had been in contact with Mr. Albaugh. Ms. Love also testified homestead exemption is filed on the property. Ms. Love testified a Stop Work Order had not been issued.

Ms. Love recommended the Respondent be ordered to comply by obtaining the required building permits by 3/14/07, and paying all staff costs due in the amount of \$510.48, or a \$50 daily fine be in effect if not in compliance by 3/14/07.

Mr. Albaugh testified he has been out of state, but has his building plans ready for submittal, and will apply for the required building permits tomorrow, 2/13/07. Mr. Albaugh testified he had started construction of the deck in 2001 and is currently in the process of extending it. Mr. Albaugh testified he was informed a building permit was not required for the original construction of the deck; therefore, he did not think a permit was needed for the extension. Mr. Albaugh was informed when he added a roof to the deck, a building permit was then required.

Mr. Castle made a motion to order the Respondent bring the property into compliance by obtaining the required building permits and paying all staff costs due in the amount of \$510.48 within 30 days; failure to bring the property into compliance and paying staff costs due within 30 days will result in a fine in the amount of \$10 per day for each and every day of non-compliance. Mr. Pasko seconded the motion and the motion carried.

Case: CE2006-0232

Owner Name: Beverly Flinchum

Location Address: 12512 CR 685, Webster

Parcel: R14B011/OR – 1588, PG – 285

Code Violation: 13-51(A)(2)(A), 13-E-312 SHC 307.4, 13-E-312 SHC 301, and 6-104(5)

The Respondent was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 2/12/07 was her last visit to the property, and the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 6/6/06, 7/5/06, and 2/12/07 reflecting the violations. Ms. Love testified her initial inspection was on 4/24/06. Ms. Love testified she had been in contact with the previous owner, Keith Gilbert, and the current owner, Ms. Flinchum. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified the original Notice of Violation had been issued to the previous owner due to the back porch being in disrepair. Ms. Love testified she had issued a Stop Work Order to Mr. Gilbert, in which the unsafe structure was removed. Ms. Love testified when she spoke with Ms. Flinchum in August of 2006, Ms. Flinchum was aware of the existing code violations.

Ms. Love recommended the Respondent be ordered to comply by obtaining the required building permits, and paying all staff costs due in the amount of \$515.51 by March 14, 2007, or a \$50 daily fine be assessed.

Ms. Flinchum testified she was not informed of the code violations until after she had purchased the property. Ms. Flinchum testified she paid for a general walk-thru inspection by a Sumter County Building Inspector regarding the interior remodeling and permit requirements. Ms. Flinchum testified she was waiting on a letter from her engineer, in which she submitted a copy into the record.

Mrs. Ruzzo made a motion to order the Respondent bring the property into compliance by obtaining the required building permits within 60 days, and pay half of the staff costs due in the amount of \$257.75 within 30 days; failure to bring the property into compliance within 60 days, and pay half of the staff costs due within 30 days, will result in a fine in the amount of \$50 per day for each and every day of non-compliance. Mr. Pasko seconded the motion and the motion carried.

Case: CE2006-0592

Owner Name: Hang It Wright Drywall Inc.

Location Address: 1234 E. C-466, Oxford

Parcel: C14=063/OR – 1485, PG – 495

Code Violation: 13-332(4), 13-332(a)(3)(a), 13-51(A)(2)(A), 13-713(a), 13-713(d), 13-713(e), 13-713(i)(1)(a-f), 13-713(f)(3), and 13-332(4)(c)(1)

The Respondent, James Wright, was present and sworn in. Ms. Love testified the Notice for Hearing was sent by certified mail. Ms. Love testified 2/12/07 was her last visit to the property, and the property was not in compliance. Ms. Love submitted photographs into the record that were taken on 9/20/06 and 2/12/07 reflecting the violations. Ms. Love testified her initial inspection was on 9/20/06. Ms. Love testified she had been in contact with the Respondent. Ms. Love also testified homestead exemption is not filed on the property. Ms. Love testified she had issued a Cease and Desist Order due to the drywall business being operated from the residence; however, the business was still in operation. Ms. Love testified the warehouse structure was permitted through the Sumter County Building Department, but was not to be used for business purposes.

Ms. Love recommended the Respondent be ordered to cease and desist all business operations from the residence by February 23, 2007, and pay all staff costs due in the amount of \$330.09, or a \$250 daily fine would be assessed if not in compliance by February 23, 2007.

Mr. Wright testified his previous lease agreement on another piece of property had expired in April of 2006. Mr. Wright testified his rezoning request for Commercial was denied by the Zoning and Adjustment Board (ZAB) and Board of County Commissioners (BOCC). Mr. Wright testified his

property is within .7 miles of other commercial zonings. Mr. Wright testified he had acquired two acres of land zoned commercial, but he needed more than 10 days to relocate his business. Mr. Wright testified he was assured by the ZAB and BOCC that he would be able to relocate in a sufficient amount of time. Mr. Wright testified he needs 4-6 months to relocate his business. Mr. Wright testified he had delivery trucks come to his property approximately once per week, but there was no heavy equipment on-site. Mr. Wright testified he knew his property was zoned residential when he purchased it, but had hoped his commercial rezoning request would be approved, which is why he had started his business from his residence.

Mrs. Barnes made a motion to authorize Attorney Hawkins to coordinate with Attorney Thornton, and request Attorney Thornton's recommendation on how to address this issue, and table this case until March 12, 2007. Mrs. Ruzzo seconded the motion and the motion carried.

Case: CE2006-0004

Owner Name: Estella Chesnowitz and Debra Bass

Location Address: 7351 CR 713, Center Hill

Parcel: Q21=009/OR – 767, PG – 703

Code Violation: 6-104(2), 21-1(A), 21-1(B), 13-E-312 SHC 307.4, 13-364(B)(2)(E), and 13-365(B)(1)

The Respondent Debra Bass, her son Aaron Bass, and the Respondent's attorney Joseph Shoemaker, were present and sworn in. Mr. Jochum testified the Notice for Hearing was sent by certified mail and was received on 11/30/06. Mr. Jochum testified 2/12/07 was his last visit to the property, and the property was not in compliance. Mr. Jochum submitted photographs into the record that were taken on 1/19/06, 2/2/06, 10/2/06, 11/20/06, and 2/12/07 reflecting the violations. Mr. Jochum testified his initial inspection was on 1/19/06. Mr. Jochum testified he had been to the property with Sumter County Animal Control, Sumter County Sheriff's Department, and Sumter County Humane Society. Mr. Jochum testified the current concerns were regarding the burning of household garbage, the RV being removed or unoccupied, and the pool being removed or maintained. Mr. Jochum testified he witnessed the Respondent leaving the RV; however, had no evidence the Respondent resided in the RV since he had not performed an interior inspection of the RV.

Mr. Jochum recommended the Respondent be ordered to comply by removing or registering the RV, removing or maintaining the above ground pool, and ceasing all burning of household garbage, and paying all staff costs due in the amount of \$510.48 within 30 days, or a \$50 daily fine would be assessed if not in compliance within 30 days.

Mr. Shoemaker testified the Respondents have been disposing of their household garbage in trash cans as required. Mr. Shoemaker testified the RV is not being used for storage or as a residence. Ms. Bass testified the RV was on the property when the property was purchased. Ms. Bass submitted photographs of the RV and property into the record. Ms. Bass testified the RV was not connected to utilities; however, it is being renovated to allow family members to stay for the allotted time period as allowed in the County Code. Ms. Bass testified the pool was drained and they are in the process of fencing the entire property. Mr. Bass testified all inoperable vehicles were removed.

Mrs. Barnes made a motion to order the Respondent to bring the property into compliance by ceasing all burning of household garbage, maintaining the pool, and registering the RV within 30 days, and pay the staff costs due in the amount of \$510.48 within 60 days; failure to bring the property into compliance within 30 days, and paying the staff costs due within 60 days, will result in a fine in the amount of \$25 per day for each and every day of non-compliance. Mrs. Ruzzo seconded the motion and the motion carried.

Case: CE2006-0617

Owner Name: Sonna Shawnee and Stuart Walker

Location Address: 1822 S US 301, Sumterville

Parcel: J23=016/OR – 1389, PG – 587

Code Violation: 6-104(3), 21-1(A), 6-104(2), 13-E-312 SHC 305.3.1, 13-E-312 SHC 305.3.2, and 13-E-312 SHC 305.14

The Respondent was present and sworn in. Mr. Jochum testified the Notice for Hearing was sent by certified mail and was received on 1/8/07. Mr. Jochum testified 2/12/07 was his last visit to the property, and the property was not in compliance. Mr. Jochum submitted photographs into the record that were taken on 9/30/06, 12/21/06, 1/22/07, and 2/12/07 reflecting the violations. Mr. Jochum testified his initial inspection was on 9/21/06. Mr. Jochum testified he had spoken with the Respondent regarding a commercial dumpster.

Mr. Jochum recommended the Respondent be ordered to comply by removing all trash, litter, and debris to a fully enclosed structure, and pay all staff costs due in the amount of \$375.48 within 30 days, or a \$50 daily fine would be assessed if not in compliance within 30 days.

Mrs. Walker testified other people dropped off items onto her property; however, she is donating some items to charity. Mrs. Walker submitted landfill receipts into the record as proof that she had disposed of some items at the landfill. Mrs. Walker testified not all of the items were trash, and some items were of value. Mrs. Walker testified she needed six months to bring the property into compliance.

Mr. Pasko made a motion to order the Respondent bring the property into compliance by removing all trash, litter, and debris to a fully enclosed structure within 60 days, and pay the staff costs due in the amount of \$375.48 within 60 days; failure to bring the property into compliance within 60 days, and pay the staff costs due within 60 days, will result in a fine in the amount of \$50 per day for each and every day of non-compliance. Mr. Messer seconded the motion and the motion carried.

Public Forum-

Elaine Chin-Shue was present and asked who she needed to contact regarding any open code violations on particular pieces of properties. Mrs. Chin-Shue was referred to staff.

There being no further business, Mr. Messer made a motion to adjourn. Mrs. Barnes seconded the motion and the motion carried.

The meeting adjourned at 8:25 PM.

Chairperson

Recording Secretary